

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-7 and 9-17 are presently active in this case, Claims 1, 2, 6, 9, and 16 having been amended and Claim 8 having been canceled without prejudice or disclaimer by way of the present Amendment.

In the outstanding Official Action, Claims 1-15 were rejected under 35 U.S.C. 102(e) as being anticipated by Kuenstler et al. (U.S. Patent No. 6,594,990). Claims 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kuenstler et al. in view of Tashiro et al. (U.S. Patent No. 6,622,480). For the reasons discussed below, the Applicants request the withdrawal of the art rejections.

In the Office Action, the Kuenstler et al. reference is indicated as anticipating each of Claims 1-15. However, the Applicants note that a claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As will be demonstrated below, the Kuenstler et al. reference clearly does not meet each and every limitation of the amended independent Claims 1 and 6.

Claim 1 of the present application recites a method for forcibly regenerating a particulate filter, where the method comprises, in light-load engine operation areas upon forcible regeneration of the particulate filter, intentionally increasing an engine load using a retarder to brake the engine and increasing an amount of fuel injected so as to compensate reduced torque due to the increased engine load. Claim 6 recites a method of regenerating a filter of an engine comprising, among other features, increasing a load on the engine using a

retarder to brake the engine to decrease an amount of torque produced by the engine when the predetermined operation state is determined. Such features are not disclosed in the Kuenstler et al. reference. For example, the Kuenstler et al. reference does not disclose increasing an engine load using a retarder to brake the engine, as recited in Claims 1 and 6 of the present application.

The Kuenstler et al. reference describes a technique to raise exhaust gas temperature by switching on electrical loads, partially closing the EGR valve, and restricting fresh air supply to provide a desired intake pressure, in a coordinated manner. However, the Kuenstler et al. reference does not disclose or suggest increasing engine load using a retarder to brake the engine in the manner recited in Claims 1 and 6 of the present application.

As noted above, the Kuenstler et al. reference describes increasing engine load by switching on electrical loads. As noted by the Kuenstler et al. reference, such a method of increasing the load on the engine is an artificial way of increasing the load on the engine. (See column 1, lines 44-45.) Increasing engine load by switching on an electrical load as in the Kuenstler et al. reference is an indirect control means. Furthermore, such a method only makes the engine load changeable on an on-off basis. This type of on-off control of electrical load can result in an engine load increase that does not match the engine load increase required.

On the other hand, the present invention advantageously provides a retarder to brake the engine and increase engine load, which enables more accurate load changes and quicker and sharper braking than the method described in the Kuenstler et al. reference. The present invention allows for minute control of the retarder loads, which makes it possible to precisely increase the engine load as needed (e.g., with an overcurrent retarder any braking force can

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be obtained by changing current intensity).

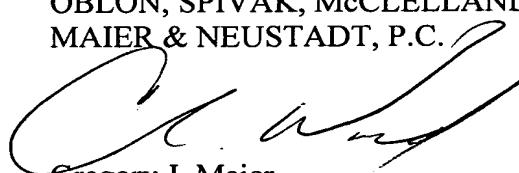
Since the Kuenstler et al. reference does not disclose increasing an engine load using a retarder to brake the engine as recited in Claims 1 and 6 of the present application, the Applicants submit that the Kuenstler et al. reference does not anticipate Claims 1 and 6. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejections of Claims 1 and 6.

The dependent claims are considered allowable for the reasons advanced for the independent claims from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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